

levying a tax of \$1.00 upon the \$100.00 valuation of all taxable property in said school district and validating all proceedings had with reference to the issuance of \$75,000.00 of school building bonds and authorizing their issuance and repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 88 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 72 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 82 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 85 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

#### SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, February 2, 1925.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was

called to order by Lieutenant Governor Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Miller.	Witt.
Moore of Hunt.	Wood.
Moore of Cooke.	

Absent—Excused.

Real.	Stuart.
Reid.	Woodward.

Prayer by the chaplain.

Pending the reading of the Journal of Friday, the same was dispensed with on motion of Senator Davis.

#### Lecture Date Postponed.

The Chair laid before the Senate the following telegram:

Frankfort, Ky., Feb. 1, 1925.

Lieutenant Barry Miller,  
Austin, Texas:

Owing to sudden attack of lagrippe, physicians advises against travel, which I regret to say will prevent my addressing the Legislature of Texas Tuesday morning. If your assembly will graciously consent to postponement of same for one week, I will gladly appear Tuesday, February 10, or any other date which the Legislature may designate.

CORA WILSON STEWART.

The above telegram was read, and Senator Fairchild moved that the date for the lecture be extended to February 10, the date suggested.

The motion was adopted.

Excused.

Senator Reid for today, on account of illness, and on motion of Senator Miller.

**Petitions and Memorials.**

Senator Bailey offered a resolution adopted by the City Commission of Kenedy, Texas, protesting against the passage of Senate Bill No. 83.

The resolution was read and referred to Committee on Towns and City Corporations.

**Senate Bill No. 165.**

Senator Davis here moved that S. B. No. 165 be ordered printed on the minority committee report, the bill having been reported today, having an adverse majority committee report and a favorable minority committee report, signed by two members of the committee.

Senator Witt made the point of order that the bill should be printed on minority committee report, but rule 31a was cited and the Chair overruled the point of order, holding that the matter was before the Senate for action, the Senate having the right to have the bill printed if it so desired.

The motion to have the bill printed on the minority committee report was adopted by the following vote:

**Yeas—22.**

Bailey.	Moore of Cooke.
Berkeley.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.

**Nays—4.**

Bledsoe.	Parnell.
Murphy.	Wood.

**Absent.**

Hardin of Erath.	Real.
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**Absent—Excused.**

Reid.	Woodward.
Stuart.	

Senator Woodward, indefinitely, on account of business, on motion of Senator Bledsoe.

Senator Stuart for today, on account of business, on motion of Senator Moore of Cook.

**Conference Committee Report on Senate Bill No. 101.**

(As Substituted by House Bill No. 194.)

Senator Davis, on part of the committee, offered the following:

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate; Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed by your respective bodies to consider

S. B. No. 101, as substituted by H. B. No. 194,

Have had said bill under consideration, and beg leave to report that we have reached the following agreement:

The only material changes in the House bill are: a reduction of the number of district attorneys from forty-nine to forty-seven, and a reduction of the appropriation item from \$25,000.00 to \$23,500.00 in each year under the Comptroller's Department, and the addition of the Commission of Appeals for the coming biennium in the sum of \$43,620.00 for each year as provided by Senate Bill No. 101.

The Senate bill provides for the "fees of county attorneys, justices of the peace, sheriffs and constables in examining trials," \$75,000.00 for each year, and the House bill provides for the same item \$70,000.00 for each year. The House provision is adopted as to this item.

The other changes are small in amount and will more fully appear by reference to the Conference Committee report attached hereto and made a part hereof.

Respectfully submitted,

DAVIS,  
MOORE of Hunt,  
STRONG,  
FAIRCHILD,  
WOOD,

On the Part of the Senate.  
BLOUNT,  
SANFORD,  
WADE,  
ROWELL, Jr.,  
STEVENS,

On the Part of the House.

Following is the conference committee report in full:

A BILL  
To Be Entitled

An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the salaries of judges, and for the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927.

JUDICIARY  
COURT OF CIVIL APPEALS—FIRST DISTRICT  
Galveston

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Bailiff .....	100.00	100.00
Porter .....	600.00	600.00
Books for library .....	500.00	500.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Fuel and lights .....	300.00	300.00
Furniture and typewriters .....	200.00	100.00
Totals .....	\$ 23,300.00	\$ 23,200.00

COURT OF CIVIL APPEALS—SECOND DISTRICT  
Fort Worth

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	600.00	600.00
Bailiff .....	100.00	100.00
Books for library .....	500.00	500.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Repairs and furniture .....	50.00	50.00
Totals .....	\$ 22,850.00	\$ 22,850.00

COURT OF CIVIL APPEALS—THIRD DISTRICT  
Austin

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00

	For the Years Ending	
	August 31, 1926	August 31, 1927
Bailiff .....	100.00	100.00
Porter .....	600.00	600.00
Law books for library .....	1,050.00	250.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Renovation of Court quarters, including doing over of the walls, woodwork and furniture, floor coverings and new furniture .....	2,500.00	
Totals .....	\$ 25,850.00	\$ 22,550.00

**COURT OF CIVIL APPEALS—FOURTH DISTRICT**  
San Antonio

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Bailiff .....	100.00	100.00
Porter .....	600.00	600.00
Books for library .....	500.00	500.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Furniture .....	100.00	100.00
Typewriter .....	100.00	100.00
Totals .....	\$ 23,000.00	\$ 23,000.00

**COURT OF CIVIL APPEALS—FIFTH DISTRICT**  
Dallas

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	600.00	600.00
Bailiff .....	100.00	100.00
Books for library .....	500.00	500.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Totals .....	\$ 22,800.00	\$ 22,800.00

**COURT OF CIVIL APPEALS—SIXTH DISTRICT**  
Texarkana

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00

	For the Years Ending	
	August 31, 1926	August 31, 1927
Book cases, library	2,500.00	100.00
Binding books	500.00	
Rugs and floor covering for new building	500.00	
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	600.00	600.00
Lights and fuel	300.00	300.00
Books for library and subscriptions	500.00	500.00
Typewriters	200.00	100.00
Filing cases	100.00	
Furniture and desks for office, court room and library	250.00	100.00
Totals	\$ 26,450.00	\$ 22,700.00

**COURT OF CIVIL APPEALS—SEVENTH DISTRICT**  
Amarillo

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges	\$ 15,000.00	\$ 15,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	600.00	600.00
Bailiff	100.00	100.00
Books for library	750.00	750.00
Record books and stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	600.00	600.00
Fuel	75.00	75.00
Totals	\$ 23,125.00	\$ 23,125.00

**COURT OF CIVIL APPEALS—EIGHTH DISTRICT**  
El Paso

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges	\$ 15,000.00	\$ 15,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Bailiff	100.00	100.00
Porter	600.00	600.00
Books for library	500.00	500.00
Furniture	100.00	100.00
Record books, and stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	600.00	600.00
Fuel	150.00	150.00
Typewriters		150.00
Totals	\$ 23,050.00	\$ 23,200.00

COURT OF CIVIL APPEALS—NINTH DISTRICT  
Beaumont

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	600.00	600.00
Bailiff .....	100.00	100.00
Books for library .....	500.00	500.00
Furniture and typewriters .....	100.00	100.00
Record books and stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses and laundry .....	600.00	600.00
Fuel .....	125.00	125.00
Totals .....	\$ 23,025.00	\$ 23,025.00

COURT OF CIVIL APPEALS—TENTH DISTRICT  
Waco

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Bailiff .....	100.00	100.00
Porter .....	600.00	600.00
Books for library .....	1,000.00	1,000.00
Filing cases and furniture .....	250.00	250.00
Record books and stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Fuel .....	75.00	75.00
Totals .....	\$ 23,625.00	\$ 23,625.00

COURT OF CRIMINAL APPEALS  
Austin

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 19,500.00	\$ 19,500.00
Bailiff and stenographer .....	1,800.00	1,800.00
Stenographers, two .....	3,600.00	3,600.00
Reporter .....	3,000.00	3,000.00
Clerk .....	3,000.00	3,000.00
Porter .....	720.00	720.00
Postage and box rent .....	250.00	250.00
Law books .....	500.00	500.00
Record books and stationery .....	700.00	700.00
Publishing Criminal Court Reports .....	3,350.00	3,350.00
Contingent expenses .....	200.00	200.00
Furniture, file cases and pictures of deceased judges .....	300.00	300.00
Telephone .....	132.00	132.00
Envelopes for filing records .....	500.00	
Totals .....	\$ 37,552.00	\$ 37,052.00

## STATE'S ATTORNEY BEFORE COURT OF CRIMINAL APPEALS

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
State's attorney .....	\$ 3,600.00	\$ 3,600.00
Assistant State's attorney .....	3,000.00	3,000.00
Law clerk and stenographer .....	1,800.00	1,800.00
Law books .....	100.00	100.00
Telephone, postage, box rent and contingent ex- penses .....	185.00	185.00
Furniture and bookcases .....	100.00	100.00
Totals .....	\$ 8,785.00	\$ 8,785.00

## SUPREME COURT

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Three judges .....	\$ 19,500.00	\$ 19,500.00
Clerk .....	2,500.00	2,500.00
Reporter .....	3,000.00	3,000.00
Stenographers and law clerks, three .....	5,400.00	5,400.00
Assistant librarian and marshal .....	1,500.00	1,500.00
Porter, judge's room .....	720.00	720.00
Porter, court room, clerk's office and library .....	720.00	720.00
Publishing Supreme Court Reports .....	1,150.00	1,150.00
Furniture, record books, stationery, typewriters, postage and express .....	2,000.00	2,000.00
Purchase of law books for the Supreme Court, library and consultation room, to be selected and purchased by the court, and for re-binding .....	3,000.00	3,000.00
Deputy clerk shall receive as compensation act- ing secretary to Board of Legal Examiners the sum of \$1,000.00 per annum; such compensa- tion shall be paid monthly out of the fees of the clerk's office.		
Contingent expenses .....	300.00	300.00
Totals .....	\$ 39,790.00	\$ 39,790.00

## COMMISSION OF APPEALS

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Six judges .....	\$ 39,000.00	\$ 39,000.00
Stenographers, two .....	3,000.00	3,000.00
Porter .....	720.00	720.00
Record books, rental on law books, stationery, telephone, postage and contingent expenses .....	900.00	900.00
Totals .....	\$ 43,620.00	\$ 43,620.00

## JUDICIARY—COMPTROLLER'S DEPARTMENT

	For the Years Ending	
	August 31, 1926	August 31, 1927
Salaries of:		
Ninety-seven district judges .....	\$ 388,000.00	\$ 388,000.00
Forty-seven district attorneys .....	23,500.00	23,500.00
Expenses of judges and district attorneys as		

	For the Years Ending	
	August 31, 1926	August 31 1927
allowed by the Acts of the Thirty-eighth Legislature, payable in equal quarterly installments .....	40,000.00	40,000.00
Five criminal district attorneys .....	2,500.00	2,500.00
Assistant district attorney, Bexar and El Paso Counties, at \$2,500.00 each .....	5,000.00	5,000.00
Six criminal judges at \$4,000.00 each .....	24,000.00	24,000.00
Expenses of attached witnesses and witness fees and mileage allowed witnesses in felony cases who reside in counties other than the county in which the cause is being tried .....	175,000.00	160,000.00
Fees of county attorneys, justices of the peace, sheriffs and constables in examining trials .....	70,000.00	70,000.00
Fees and costs of sheriffs, attorneys and clerks in felony cases .....	475,000.00	450,000.00
Fees, costs and per diem of fifty-two district attorneys .....	115,000.00	115,000.00
Salaries of special judges .....	7,500.00	7,500.00
To pay expenses of district judges in holding court outside of their own district .....	1,000.00	1,000.00
To pay special judges of the Supreme Court, Courts of Criminal and Civil Appeals, where disqualification of the regular judge exists and special judges appointed .....	5,000.00	5,000.00
To pay costs and fees of officials in cases of escheated estates, including cases on which costs and fees have already accrued and owing by the State .....	100.00	100.00
For payment of transcripts in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action and where the official reporter is required and does furnish the attorneys for the defendant if convicted with the transcript of his notes as provided for in Section 14, Chapter 119, page 264 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature .....	250.00	250.00
<b>Totals .....</b>	<b>\$1,331,850.00</b>	<b>\$1,291,850.00</b>

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue of the judiciary during the fiscal years beginning September 1, 1925, and ending August 31, 1927, and no surplus shall be diverted from one account to another account.

Provided, that all accounts under this section which require the approval of any district judge shall be examined by the Comptroller, and if correct, he shall issue his warrant therefor, but if he shall find same incorrect, in whole or in part, he may cause an audit of same to be made before warrant is issued.

Provided, that the Governor, in case of an extraordinary emergency may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this Act shall remain in the State treasury and be paid out only as it is expended, or as the necessity or emergency may require.

Provided, that it shall be the duty of the clerks of the various courts above mentioned on the first Monday in July, October, January and April



of each year to make a report to the Comptroller, showing the amount of fees collected each year, giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Fees shall be fixed, charged and collected from book companies litigants, and their attorneys and all others for all unofficial and certified copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all other not now furnished or required to be furnished free of charge, and all said fees and charges, when collected, shall be paid into the treasury of the State of Texas.

Provided, that each and every employe under this Act shall be paid by vouches, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed, with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State Government for the two fiscal years beginning September 1, 1925, and ending August 31, 1927, creates a necessity for the expediting of the passage of this appropriation bill, therefore creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended and that this bill become effective from and after its passage, and it is so enacted.

## RECAPITALATION

	For the Years Ending	
	August 31, 1926	August 31, 1927
Court of Civil Appeals—		
First District .....	\$ 23,300.00	\$ 23,200.00
Court of Civil Appeals—		
Second District .....	22,850.00	22,850.00
Court of Civil Appeals—		
Third District .....	25,850.00	22,550.00
Court of Civil Appeals—		
Fourth District .....	23,000.00	23,000.00
Court of Civil Appeals—		
Fifth District .....	22,800.00	22,800.00
Court of Civil Appeals—		
Sixth District .....	26,450.00	22,700.00
Court of Civil Appeals—		
Seventh District .....	23,125.00	23,125.00
Court of Civil Appeals—		
Eighth District .....	23,050.00	23,200.00
Court of Civil Appeals—		
Ninth District .....	23,025.00	23,025.00
Court of Civil Appeals—		
Tenth District .....	23,625.00	23,625.00
Court of Criminal Appeals .....	37,552.00	37,052.00
State's attorney before Court of Criminal Appeals .....	8,785.00	8,785.00
Supreme Court .....	39,790.00	39,790.00
Commission of Appeals .....	43,620.00	43,620.00
Judiciary—Comptroller's Department .....	1,331,850.00	1,291,850.00
Grand Total—Judiciary budget .....	\$1,698,672.00	\$1,651,172.00
Total for both years .....		\$3,349,844.00

The Conference Committee report was adopted, by the following vote:

Yeas—26.

Bailey.	Murphy.
Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.

Absent.

Hardin of Erath. Real.

Absent—Excused.

Reid. Woodward.  
Stuart.

**Senate Bill No. 201 Ordered Printed.**

Senator Bowers moved that Senate Bill No. 201 be printed on the minority committee report.

The motion was adopted.

**S. C. R. No. 16.**

By Senator Witt:

Whereas, the message of Pat M. Neff, as Governor of Texas, heretofore submitted to the Thirty-ninth Legislature of Texas, made report at the direction of the State Park Board of activities and accomplishments of said board; reporting among other things, the fact that deeds to many tracts of land for park purposes were now held by said board and it was recommended that the Legislature approve as park sites the property conveyed to the State by said conveyances and that said tracts of ground be accepted by the State as State parks;

It being further recommended in said message that an appropriation of \$50,000.00 be made for the purpose of fencing, beautifying and maintaining said parks and such others as may be donated during the coming two years, and for the traveling expenses of the members of the State Park Board;

And whereas, it is the sense of the Thirty-ninth Legislature of the State of Texas, in view of the urgent demands and needs of our public schools, our higher institutions of

learning, our eleemosynary institutions, and other fixed and going departments of government, for appropriations for the actual and increasing needs of same, which needs have heretofore proven to be in excess of our available revenue, and give promise of exceeding the available revenue for the next two years, and that the State's financial condition makes a program of State parks impracticable at this time;

Therefore, be it Resolved by the Senate, the House of Representatives concurring, That the park sites so generously and patriotically tendered by various donors to the State be, and the Park Board is hereby authorized to accept the same only upon condition that the maintenance, beautification and continued upkeep thereof be guaranteed by the donors thereof, or by some city, county or other local subdivision of the State and that the State shall never be required to make appropriations therefor. That the deeds to said park sites and the covenants and agreements as to maintenance and upkeep thereof be submitted to the Attorney General of the State of Texas for his approval before acceptance.

Resolved, however, That this resolution be, and the same is not in any way intended as an expression of any lack of appreciation for the tender of the aforesaid park sites, but that the donors thereof are hereby expressly commended and the appreciation of the State is hereby expressed for the high motives actuating them in tender of said park sites; and the conditions upon which said sites shall be accepted, as herein expressed, are made solely because of the condition of the finances of the State of Texas and the very pressing demands made by other institutions as herein above expressed, which it is the sense of this Legislature makes impracticable and inopportune the taking over by the State, at this time, any of the burden of the maintenance and beautification of such an extended State park program as will be involved in the taking over for State support and maintenance the great number of parks acquired by the State Park Board.

The resolution was read first time and on motion of Senator Bailey the resolution was ordered printed in the Journal and be laid on the table, subject to call.

**Invitation to Banquet.**

Senator Pollard offered the following:

The Austin Chamber of Commerce and the Department of Home Economics of the University of Texas request the honor of your presence at dinner Saturday evening, February 7, at 6:30 o'clock, University Commons, honoring the Texas Legislature and the Texas Press Association.

The above was read and the invitation was accepted.

**Bills and Resolutions.**

By Senator Fairchild:

S. B. No. 206, A bill to be entitled "An Act creating an Illiteracy Board for Texas defining the powers and duties of said board, and making an appropriation for the work to be carried on under the direction of said board, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Murphy:

S. B. No. 207, A bill to be entitled "An Act to authorize the commissioners' court of the various counties of the State of Texas to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils of the public schools and to appropriate public funds in payment thereof."

Read first time and referred to Committee on Public Health.

By Senator Bailey:

S. B. No. 208, A bill to be entitled "An Act to amend Article 4703 of Chapter -1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to survival of causes of action for personal injuries and injuries resulting in death, and providing for the survival of causes of action for injuries resulting in death where the tortfeasor dies before suit is instituted, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Russek:

S. B. No. 209, A bill to be entitled "An Act to amend Sections 1 and 3 of the Act passed by the Thirty-eighth Legislature of Texas, the same being Chapter 74 of the Acts of the Regular Session of the Thirty-eighth Legislature by taking Fayette County out of the First Supreme Judicial District of Texas and placing it in the

Third Supreme Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Lewis:

S. B. No. 210, A bill to be entitled "An Act to provide that all bonds of the State or any county or subdivision thereof, or any city or municipality or district within the State shall be payable at one specific place of payment designated in the bond order or ordinance and providing that all bonds purchased with public funds belonging to the State of Texas, shall be payable at the office of the State Treasurer of the State of Texas, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Lewis:

S. B. No. 211, A bill to be entitled "An Act to require payment of bonds and coupons promptly at the place of maturity, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 212, A bill to be entitled "An Act to amend Article 1315 and 1316 of the Penal Code of the State of Texas of 1911, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Ward:

S. B. No. 213, A bill to be entitled "An Act to make it unlawful for a period of time commencing with the passage of this Act and ending November 1, A. D. 1927, for killing, bagging, netting or trapping any wild patridge or wild quail of any variety, in the counties of Ellis, Hill, Hood, Johnson and Somerville; providing the penalty for the violation thereof, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Davis:

S. B. No. 214, A bill to be entitled "An Act making appropriations to pay the salaries of members and employes, and other maintenance expenses of the State Board of Pardon Advisors for the eight-months period beginning

January 1, 1925, and ending August 31, 1925, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Bledsoe:

S. B. No. 215, A bill to be entitled "An Act to create the Anton Independent School District in Hockley and Lamb Counties, Texas, including therein a part of Common School District No. 2, in Hockley County Texas, and a part of the Littlefield Independent School District in Lamb County, Texas, and defining its boundaries providing for the election of a board of trustees therefor, vesting said independent school districts with all of the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, declaring that all taxes and bonds heretofore authorized by any former district or districts, part or parts of which are included in the Anton Independent School District shall remain in full force and effect, and for the payment of the pro rata part thereof, or the pro rata parts thereof, repealing all laws or parts of laws in conflict herewith in so far as they may relate to it, providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision thereof, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parnell:

S. J. R. No. 7, A joint resolution "Proposing an amendment to the Constitution of the State of Texas by amending Section 33 and Section 40 of Article 16 of the Constitution of Texas so as to permit officers of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States to hold public office in Texas."

Read first time and referred to Committee on Constitutional Amendment.

#### Senate Bill No. 77.

Senator Berkeley moved to reconsider the vote by which the Senate, on Friday, refused to order Senate Bill No. 17 engrossed.

The motion to reconsider was adopted by the following vote:

#### Yeas—15.

Berkeley.	Parr.
Bledsoe.	Pollard.
Floyd.	Price.
Hardin of Erath.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wood.
Parnell.	

#### Nays—11.

Bailey.	Moore of Cooke.
Bowers.	Murphy.
Davis.	Russek.
Fairchild.	Strong.
Hardin of Kaufman	Wirtz.
Miller.	

#### Absent.

Real.	Witt.
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#### Absent—Excused.

Reid.	Woodward.
Stuart.	

Action then recurred on Senate Bill No. 17, on second reading. (See Journal of January 30 for the caption.)

Senator Berkeley offered the following amendment:

Amend Senate Bill No. 17, Section 2, lines 2 and 4, by striking out the figures, "\$50,000.00," where the same appears and substituting in lieu thereof, "\$25,000.00."

Senator Pollard offered the following substitute for the amendment:

Amend Senate Bill No. 17 by striking out "\$50,000.00" and inserting in lieu thereof "\$10,000.00" per year.

On motion of Senator Berkeley, the substitute for the amendment was tabled.

The amendment was adopted.

Senator Davis moved to recommit the bill to Committee on Finance.

Senator Berkeley moved to table the motion to recommit, which motion to table was lost.

The motion to recommit to Committee on Finance was adopted.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 47, A bill to be entitled "An Act amending Articles 7542 and 7569 of Title 126, Chapter 12, Revised Civil Statutes of the State of Texas of 1911, relating to the time property shall be valued for taxation purposes; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act amending Section 1 of Chapter 167, Act of March 30, 1917, and being Article 342 of Title 13, Chapter 1 of the Revised Statutes of Texas, relating to the appointment of an assistant district attorney in certain districts, his qualifications, bond and oath of office, powers and duties, and his tenure of office."

H. B. No. 137, A bill to be entitled "An Act creating the Matador Independent School District in Motley County, Texas, defining the boundaries thereof, vesting the management thereof in a board of seven trustees, providing for their election and for the organization of the board, vesting said district with all the right, powers, privileges and duties of a town or village incorporated under the laws of the State for free school purposes only; vesting the board of trustees with the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon trustees of independent school districts incorporated under the General Laws of Texas; providing for the appointment of an assessor and collector of taxes and board of equalization, divesting the title of all property theretofore and vested in Common School District No. 6, Motley County, Texas, out of said district and vesting the same in the board of trustees of Matador Independent School District of Motley County; declaring in full force and effect all maintenance tax heretofore voted, and all bonds heretofore issued by said Common School District No. 6 of Motley County, to be in full force and effect in so far as this Act might affect them, and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act to amend Article 3883, Revised Civil Statutes of Texas, fixing fees allowed officers in counties having a population of 37,000 inhabitants, or containing cities of 25,000, and declaring an emergency."

H. B. No. 169, A bill to be entitled "An Act to amend Article 1121 of the Revised Statutes of the State of Texas, 1911, providing additional purposes for which corporations may be formed under the laws of Texas."

S. B. No. 107, A bill to be entitled "An Act to renew and extend, for an additional period of two years, certain oil and gas permits issued on other than public school and University Lands."

The Speaker announces the appointment of the following committee on the part of the House to investigate the prison system as provided for in S. C. R. No. 13: Chitwood, King, Irwin, Farrar, Stephenson.

The House grants the request of the Senate for a Free Conference Committee on S. B. No. 101, and the Speaker announces the appointment of the following Conference Committee on the part of the House on S. B. No. 101: Blount, Wade, Sanford, Stevens, Rowell.

H. C. R. No. 6a, setting the hour for the acceptance of the Diary of Captain Adolphus Sterne.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading.

The following House bills were laid before the Senate, read severally first time and referred to appropriate committees:

H. B. No. 169, referred to Committee on Civil Jurisprudence.

H. B. No. 147, referred to Committee on Civil Jurisprudence.

H. B. No. 137, referred to Committee on Educational Affairs.

H. B. No. 59, referred to Committee on Civil Jurisprudence.

H. B. No. 47, referred to Committee on State Affairs.

H. C. R. No. 6a, laid on the table, subject to call.

Morning call concluded.

#### Senate Bill No. 3.

The Chair laid before the Senate, as special order for this hour,

S. B. No. 3, A bill to be entitled "An Act declaring all wild animals, wild birds and wild fowls to be the property of the people of this State; to preserve, propagate, distribute, and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses,

and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

Senator Lewis offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3, page 16, Section 25, by changing at the end of line 20, the period after the word "Act" to a comma, and adding these words: "and provided further that this section shall not apply to the counties of Grimes, Madison, Montgomery, Walker, San Jacinto, Leon, Houston, Polk, Trinity, Harris, Brazoria and Fort Bend."

Pending discussion Senator Fairchild moved that the further consideration of the bill be postponed until Wednesday morning following the conclusion of the morning call.

The motion to postpone was lost.

Senator Bowers offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3, page 16, Section 25 by changing at the end of line 20 the period after the word act to a comma and adding these words; and providing further that this section shall not apply to the counties of Burleson, Lee, Brazos, Robertson, Bastrop, Matagorda, Washington and Wharton.

Senator Floyd offered the following amendment:

Amend Senate Bill No. 3, page 18, by striking out all words and figures beginning on line 4 down to and including the word "commissioner" in line 9.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 23, A bill to be entitled "An Act regulating the lights and lighting and operation of motor vehicles, tractors, trailers, semi-trailers,

motorcycles and bicycles in this State; prescribing the lights for such vehicles between the hours of half-hour after sunset and half-hour before sunrise; enacting the necessary penal provisions as to lights for such vehicles and headlight devices and headlight equipment for such vehicles; providing for tests and approval of headlighting devices and equipment; prescribing penalties for the violation of the provisions of this Act, and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act providing for the development and improvement of navigation of the inland coastal waters of this State pursuant to Section 59 of Article 16 of the State Constitution; providing for the preservation and conservation of inland and coastal waters of this State under said constitutional provision; providing for navigation districts; providing for the raising of the necessary funds, the issuance of bonds and the levying and collection of necessary taxes for such purposes; providing all things necessary and incident to such purpose and subject."

Respectively submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading.

The following House bills were laid before the Senate, read severally first time and referred to appropriate committees:

House Bill No. 23 referred to Committee on State Affairs.

House Bill No. 139 referred to Committee on State Affairs.

#### Recess.

On motion of Senator Holbrook the Senate at 12 m. recessed until 2.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### Senate Bill No. 3.

Action recurred on the pending business, Senate Bill No. 3, the question being on the pending amendment by Senator Floyd.

Senator Wood moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—18.

Berkeley.	Parr.
Bledsoe.	Reid.
Bowers.	Russek.
Davis.	Smith.
Holbrook.	Strong.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Murphy.	Wirtz.
Parnell.	Wood.

## Nays—5.

Bailey.	Pollard.
Fairchild.	Price.
Hardin of Kaufman.	

## Absent.

Hardin of Erath.	Moore of Cooke.
Miller.	Witt.

## Absent—Excused.

Stuart.	Woodward.
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## (Pair Recorded.)

Senator Floyd (present), who would vote nay with Senator Real (absent), who would vote yea.

Senator Bledsoe offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3 as printed by striking out all of lines 26, 27 and 28, page 21, after the word process in line 26.

Senator Bledsoe offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3 as printed, page 23, Section 37, line 9, by adding after the word commission, the following: "Except they shall not have the right to carry concluded weapons on or about their person."

Senator Murphy offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3, page 4, lines 11 and 12, striking out the words "fifteen" and "forty-five" and inserting in lieu thereof the following: "twenty-five" and "fifty."

Senator Strong offered the following amendment:

Amend Senate Bill No. 3 by adding after the word "commission," line 14, page 18, the following: "provided that this Act shall not apply to a citizen hunting in the county of his residence."

Senator Wood moved to table the amendment, which motion to table was adopted, by the following vote:

## Yeas—14.

Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Reid.
Davis.	Russek.
Holbrook.	Ward.
Moore of Hunt.	Wirtz.
Murphy.	Wood.

## Nays—8.

Fairchild.	Price.
Hardin of Kaufman	Smith.
Lewis.	Strong.
Pollard.	Triplett.

## Absent.

Bailey.	Moore of Cooke.
Hardin of Erath.	Witt.
Miller.	

## Absent—Excused.

Stuart.	Woodward.
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## (Pair Recorded.)

Senator Floyd (present), who would vote nay, with Senator Real (absent), who would vote yea.

Senator Murphy offered the following amendment:

Amend Senate Bill No. 3, page 4, line 2, by striking out the words "twelve" and "twenty-six" and inserting in lieu thereof the words "fifteen" and "forty-five."

The amendment was read and lost.

Senator Murphy offered the following amendment:

Amend Senate Bill No. 3 by striking out Section 21.

The amendment was read and adopted.

Senator Floyd offered the following amendment:

Amend Senate Bill No. 3, page 18, by adding the following at the end of line 14; "provided that Lamar, Red River, Delta, Hopkins and Franklin Counties are exempted from the provisions of Section 28 of this Act."

Senator Wood moved to table the amendment, which motion to table was adopted, by the following vote:

## Yeas—17.

Berkeley.	Moore of Cooke.
Bledsoe.	Murphy.
Bowers.	Parnell.
Davis.	Parr.
Lewis.	Reid.
Moore of Hunt.	Russek.

Smith.                      Wirtz.  
Strong.                    Wood.  
Ward.

Nays—8.

Bailey.                    Holbrook.  
Fairchild.                Pollard.  
Floyd.                    Price.  
Hardin of Kaufman Triplet.

Absent.

Hardin of Erath.        Real.  
Miller.                    Witt.

Absent—Excused.

Stuart.                    Woodward.

Senator Fairchild offered the following amendment:

Amend Senate Bill No. 3, page 22, line 24, by striking out all after the word "than," and all of line 25 before the word "Rev." and insert in lieu thereof the words and figures, "one hundred (\$100.00) dollars."

Senator Wood moved to table the amendment, which motion to table was lost.

The amendment was lost, by the following vote:

Yeas—13.

Bailey.                    Moore of Cooke.  
Fairchild.                Pollard.  
Floyd.                    Russek.  
Hardin of Erath.        Smith.  
Hardin of Kaufman Triplet.  
Holbrook.                Ward.  
Miller.

Nays—14.

Berkeley.                Parnell.  
Bledsoe.                Parr.  
Bowers.                Price.  
Davis.                    Reid.  
Lewis.                    Strong.  
Moore of Hunt.        Wirtz.  
Murphy.                Wood.

Absent.

Real.                    Witt.

Absent—Excused.

Stuart.                    Woodward.

Senator Bledsoe offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3, as printed and amended, page 23, line 9, by adding after the word "commissioner" the following: "except that that they shall not be authorized to carry on or about their person, sad-

dle or saddle-bags, any pistol, dirk, dagger, sling-shot, sword, cane, spear or knuckles made of any metal or any hard substance, Bowie knife or other knife manufactured or sold for the purpose of offense or defense."

Senator Parr offered the following amendment, which was read and adopted:

Amend Senate Bill No. 3, page 3, line 1, by striking out "December 1" and insert in lieu thereof the words and figures, "December 15," and by striking out of line 2 the words and figures, "January 15," and insert in lieu thereof the words and figures, "January 31."

Senator Fairchild made the point of order that this bill raised revenue and under the Constitution would have to originate in the House.

The Chair overruled the point of order.

Senator Bailey offered the following amendment, which was read and adopted:

Amend S. B. No. 3 by striking out all of lines 18 to 22, both inclusive, of Section 12, page 7 of the printed bill.

The bill was ordered engrossed, as amended, by the following vote:

Yeas—17.

Berkeley.                Murphy.  
Bledsoe.                Parnell.  
Bowers.                Parr.  
Davis.                    Reid.  
Fairchild.                Strong.  
Hardin of Erath.        Triplet.  
Holbrook.                Ward.  
Lewis.                    Wood.  
Moore of Hunt.

Nays—6.

Bailey.                    Moore of Cooke.  
Hardin of Kaufman Pollard.  
Miller.                    Wirtz.

Present—Not Voting.

Price.                    Smith.

Absent.

Russek.                    Witt.

Absent—Excused.

Stuart.                    Woodward.

(Pair Recorded.)

Senator Floyd (present), who would vote nay; with Senator Real (absent), who would vote yea.



**Senate Bill No. 6.**

The Chair laid before the Senate, on its third reading and final passage,

S. B. No. 6, A bill to be entitled "An Act making unlawful the use of false statements in writing respecting the financial condition, or means, or ability to pay, of the person making such false statement, or causing same to be made, or any person, firm or corporation in which he is interested, or for whom he is acting, for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note, amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor."

The bill was read third time and passed, by the following vote:

**Yeas—15.**

Berkeley.	Parnell.
Bowers.	Pollard.
Fairchild.	Reid.
Floyd.	Smith.
Hardin of Erath.	Triplett.
Holbrook.	Ward.
Miller.	Wood.
Moore of Hunt.	

**Nays—9.**

Bledsoe.	Murphy.
Davis.	Parr.
Hardin of Kaufman.	Strong.
Lewis.	Wirtz.
Moore of Cooke.	

**Absent.**

Real.

**(Pairs Recorded.)**

Senator Bailey (present), who would vote nay; with Senator Woodward (absent), who would vote yea.

Senator Price (present), who would vote nay; with Senator Witt (absent), who would vote yea.

Senator Russek (present), who would vote nay; with Senator Stuart (absent), who would vote yea.

**Senate Bill No. 16.**

The Chair laid before the Senate, on its third reading and final passage,

S. B. No. 16, A bill to be entitled "An Act authorizing the Governor to appoint a commissioner to represent the State of Texas in a conference

with the commissioners from the States of New Mexico and Colorado, and a representative of the U. S. Government to negotiate an agreement respecting the use, control and disposition of the waters of the Rio Grande and its tributaries above Ft. Quitman, Texas, prescribing the authority and duties of such commissioner, authorizing the co-operation of certain officers of the State, authorizing the accumulation of engineering and other data pertinent thereto, prescribing the method of reaching such agreement and submitting it to the Legislature for ratification, making an appropriation to carry out the purposes of this Act, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 51.**

The Chair laid before the Senate, on its third reading and final passage,

S. B. No. 51, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches or any part thereof, within the time required by law, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 69.**

The Chair laid before the Senate, on its third reading and final passage,

S. B. No. 69, A bill to be entitled "An Act amending Article 636 of the Penal Code of the State of Texas and providing that all male and female persons who habitually associate with prostitutes or habitually loiter in or around houses of prostitution or receive financial aid from prostitutes shall be punished as vagrants, and defining the terms 'prostitute' and 'common prostitute,' and adding to Chapter 9, Title 11 of the Penal Code of the State of Texas the Article 636a and providing therein the evidence which may be admissible in vagrancy trials and the effect of such evidence, and repealing all laws in conflict herewith, and declaring an emergency."

Senator Triplett offered the following amendment:

Amend Senate Bill No. 69, by striking out lines 2 to 22, inclusive, and in-

sert in lieu thereof, the following words and figures: "Article 636a. Whenever a person shall be tried upon a complaint alleging that he is a vagrant, evidence of the reputation of his associates and of the kind, of house and neighborhood in which he resides shall hereafter be admissible in evidence for or against him, and may, in a proper case, make a prima facie case against him."

The amendment was read and Senator Wirtz offered the following substitute for the amendment:

Amend the amendment by striking out all of Section 636a, lines 2 to 22, inclusive, of page 2.

The substitute for the amendment was adopted and the amendment, as substituted, was adopted, by the following vote:

Yeas—24.

Bailey.	Moore of Cooke.
Berkeley.	Murphy.
Bowers.	Parr.
Davis.	Pollard.
Fairchild.	Price.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Wood.

Nays—2.

Parnell. Triplett.

Present—Not Voting.

Bledsoe.

Absent.

Real. Witt.

Absent—Excused.

Stuart. Woodward.

Senator Bailey offered the following amendment, which was adopted by unanimous consent:

Amend Senate Bill No. 69, by striking out in line 32, page 2, and line 1, page — the words "and this act take effect and be in force from and after its passage."

The bill was then passed finally.

#### Senate Bill No. 79.

The Chair laid before the Senate, on second reading,

S. B. No. 79, A bill to be entitled "An Act to amend Article 1152 of the Penal Code of the State of Texas, 1911,

relating to the punishment of the offense of libel, by providing that the punishment shall be imprisonment in the State Penitentiary for a period of time not less than two years nor more than four years."

Senator Wirtz offered the following amendment:

Amend Senate Bill No. 79, by striking out of Section 1, all after the semicolon on line 19.

Senator Ward moved to table the amendment, which motion to table was lost.

The amendment was lost by the following vote:

Yeas—3.

Bledsoe.	Wirtz.
Murphy.	

Nays—23.

Bailey.	Moore of Cooke.
Berkeley.	Parnell.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wood.
Moore of Hunt.	

Absent.

Parr.	Witt.
Real.	

Absent—Excused.

Stuart. Woodward.

The bill was then finally passed.

#### Senate Bill No. 117.

The Chair laid before the Senate, on third reading,

S. B. No. 117, A bill to be entitled "An Act to amend Article 1689 of the Revised Civil Statutes of the State of Texas providing that the bond of the district clerk shall be made in such a sum as the commissioners' court may direct, not to exceed twenty-five thousand (\$25,000.00) dollars, and providing for the paying for said bond by the commissioners' court out of the general funds of the county."

On motion of Senator Bledsoe the bill was laid on the table, subject to call.

**Senate Bill No. 79.**

Senator Murphy called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 29, A bill to be entitled "An Act to permit applicants for writ of habeas corpus in criminal cases, when the relief prayed for is denied by the judge of the court to whom the application is made and who prosecutes an appeal from the order of said judge or court to the Court of Criminal Appeals to be released on bail pending the appeal in all save capital cases, the amount of bail to be fixed by the judge trying the case and the order entered upon the minutes of the court, the bail bond to be executed and approved, under the same provisions of law which govern the bail on appeal in criminal cases after verdict of conviction as provided for by the existing law, and declaring an emergency."

The committee report, with committee amendments, was adopted.

Senator Murphy offered the following amendment, which was read and adopted:

Amend Senate Bill No. 29, page 1, line 24, by striking out the words, "capital offense" and insert in lieu thereof the following "with an offense, the maximum penalty of which shall exceed fifteen years' confinement in the penitentiary."

The bill was then ordered engrossed.

**Senate Bill No. 96.**

The Chair laid before the Senate, on second reading,

S. B. No. 96, A bill to be entitled "An Act to provide power in the commissioners' court of Bell County, to pay office rental on telephones and telephone calls for county officers where telephones are used for county purposes or for district officers, and all telephone calls in the discharge of the State or county business and to authorize the commissioners' court to furnish stamps, and certain books, blanks, etc., and pay the same out of the general fund, and create an emergency."

On motion of Senator Moore of Erath, the bill was laid on the table, subject to call.

**Senate Bill No. 114.**

Senator Holbrook called up, from the table, and the Chair laid before the Senate,

S. B. No. 114, A bill to be entitled "An Act to repeal Section 506 of Chapter 5, Title 14, Revised Statutes of 1911, and declaring an emergency."

The bill, having been read second time, was ordered engrossed.

**Senate Bill No. 103.**

The Chair laid before the Senate, on second reading,

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of twenty-one and sixty years, resident within such city or town on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

The bill was read second time and ordered engrossed.

**Executive Message.**

The Chair laid before the Senate, the following:

State Senate, Capitol Building,  
Austin, Texas.

Gentlemen: Complying with your request as set forth in Resolution No. 21, by Senator Murphy, requesting the dates of the terms of office of all regents of the University of Texas, those now serving, and those submitted to the Senate, you are advised as follows:

Mrs. H. J. O'Hair (now serving); term expires May 11, 1927.

R. G. Storey (now serving); term expires June 28, 1929.

H. J. L. Stark (now serving); term expires May 28, 1925.

Ted Dealy (newly appointed); term expires June 28, 1929.

Geo. W. Tyler (newly appointed); term expires June 28, 1929.

S. C. Paddleford (newly appointed); term expires November 1, 1927.

L. J. Truitt (newly appointed); term expires May 11, 1927.

Marcellus Foster—appointed for full six-year term.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

P. S. One vacancy by virtue of the resignation of H. A. Wroe, whose term expires February 3, 1925.

**Senate Bill No. 110.**

The Chair laid before the Senate, on second reading,

S. B. No. 110, A bill to be entitled "An Act to amend Section 8, Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911, and as amended by Chapter 189 of the Regular Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 27 of the First Called Session of the Thirty-fifth Legislature, 1916, and as amended by Chapter 19 of the Fourth Called Session of the Thirty-fifth Legislature, 1918, and as amended by Chapter 111 of the Regular Session of the Thirty-sixth Legislature, 1919, and as amended by Chapter 47 of the Third Called Session of the Thirty-sixth Legislature, 1920, relating to official shorthand reporters' compensation in certain counties and districts in this State, to provide for deputy shorthand reporters, to provide methods of preparing transcripts of evidence, and repealing all laws and parts of laws in conflict with said section of said chapter herein amended, and declaring an emergency."

The bill was laid on the table, subject to call.

**Senate Bill No. 113.**

The Chair laid before the Senate, on second reading,

S. B. No. 113, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations, and declaring an emergency."

The committee report, with amendment, was adopted.

The bill was read second time and ordered engrossed.

**Senate Bill No. 112.**

The Chair laid before the Senate, on second reading,

S. B. No. 112, A bill to be entitled "An Act to amend Sections 14 and 15 of Senate Bill No. 4, passed at the Second Called Session of the Thirty-first Legislature, the same being entitled 'An Act to provide for the regulation and supervision of

banking corporations providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors and providing that all banking corporations created under Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature, shall avail their depositors of protection provided for by this Act, either by the depositors' guaranty fund or by bond, at their option; providing that all national banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this Act; providing that banks incorporated by Special Act of the Legislature of the State of Texas may voluntarily, on certain conditions, protect their depositors under this Act; providing that private banks may voluntarily avail their depositors of the protection by bond provided by this Act; amending Sections 39, 50, 56 and 44, Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulation and safeguards for the protection of depositors and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this Act, and declaring an emergency'; the said Sections 14 and 15 of said Senate Bill No. 4, being Articles 490 and 491 of Chapter 5, Title 14, Revised Statutes of 1911, providing that State banks or State bank and trust companies that have elected to do business under the Guaranty Fund Law, as provided by said Senate Bill No. 4, shall have the right by giving and filing the bond provided for under said Sections 14 and 15 of said Senate Bill No. 4, the same being Articles 490 and 491 of Chapter 5, Title 14, Revised Statutes of 1911, to cease doing business as Guaranty Fund Banks and thereafter to do business and come under the provisions of the Bond Security System of said Senate Bill No. 4, and providing for the return to such bank or bank and trust company its unused pro rata part of the guaranty

fund as is now provided in the event of voluntary liquidation under Section 14 of said Senate Bill No. 4, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Bowers offered the following amendment:

Amend Senate Bill No. 112, as printed on page 3, by adding a new article to be numbered Article 491a to follow said Article 491, as follows:

. Article 491a. Each and every State bank or trust company now or hereafter incorporated under the laws of the State, which shall elect to come into the State banking system, under neither the guaranty system nor the bond security system, may do so by complying with all other provisions of the State banking law, on filing its charter, before it shall be permitted to receive deposits; provided that any bank or bank and trust company that may elect to change its system so that it will be under neither the guaranty nor the bond systems; provided for by this Act, shall have the right upon making and filing a certificate executed by a majority of the board of directors of the bank or bank and trust company, with the Commissioner of Banking and of the State of Texas, to change its system of doing business, so that the deposits of said bank or bank and trust company will not be secured by either the guaranty system nor the bond security system. When said change shall have been perfected, the Banking Commission and State Banking Board shall immediately return to such bank or bank and trust company the pro rata part paid by it into the guaranty fund, when unused.

(2) Amend the Caption of Senate Bill No. 112, as printed, page 2, line 17, by inserting between the words "herewith" and "and," the following: And adding a new article to be known as Article 491a, providing that all State banks or banks and trust companies may come into the system without securing the deposits in either the guaranty system or the bond security system, and providing that State banks or banks and trust companies may change from either the guaranty system or the bond security system, so that it will not secure the deposits in any way.

On motion of Senator Holbrook the bill was made a special order for tomorrow morning following the conclusion of the morning call.

### Senate Bill No. 137.

The Chair laid before the Senate, on second reading.

S. B. No. 137, A bill to be entitled "An Act to amend Article 4155 and 4156 of the Civil Statutes of Texas, 1911, relating to the management and control of the estates of minors by guardian, so as to provide for the sale of the real estate, and for the extension of debts against the estate of such minor, and to provide for securing the payment of such debts and for such improvements by executing mortgages, deeds of trust and mechanics contracts and materialmen lien, in the manner and under the circumstances herein set forth, and declaring an emergency."

Pending.

### Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 50.  
S. B. No. 49.  
S. B. No. 48.  
S. B. No. 34.  
S. B. No. 47.  
S. B. No. 11.  
S. B. No. 107.

### Adjournment.

On motion of Senator Bowers the Senate, at 4:10 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

### Committee Reports.

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 136, A bill to be entitled "An Act creating the Flomot Independent School District in Motley County Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 162, A bill to be entitled "An Act to create the Hobbs Independent School District in Fisher County, Texas, including therein the present Hobbs Common Consolidated District No. 18 in Fisher County; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties of independent districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 158, A bill to be entitled "An Act creating the Eli Independent School District in Hall County, Texas, defining its metes and bounds, providing a board of trustees therefor, for raising revenue, issuing bonds, vesting it with rights, powers and duties of districts incorporated for school purposes only under the General Laws of the State of Texas, providing for the assumption of the outstanding bonds of the Eli Common School District and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 172, A bill to be entitled "An Act to create the Caddo Independent School District of Stephens County, Texas, including therein the present Caddo Common School District No. 10; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 179, A bill to be entitled "An Act to create the White Pond Common County Line School District in Fisher and Jones Counties, Texas, including therein the present White Pond Common County Line School District No. 5 in Fisher and Jones Counties; providing a board of trustees therefor, vesting said common county line school district board of trustees with all the rights, powers, privileges and duties conferred upon common county line school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law; conferring upon Fisher County jurisdiction over the said district; providing for the violation of all contracts, bonds or other indebtedness and tax levies of the present Common County Line District No. 5, as subsisting obligations and acts of the White Pond Common County Line District, as created by this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 167, A bill to be entitled "An Act creating the Matagorda Independent School District in Matagorda County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 141, A bill to be entitled "An Act creating and incorporating Holliday Independent School District, in Archer County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 5, A bill to be entitled "An Act creating and incorporating Common School District No. 16, of Jefferson County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 163, A bill to be entitled "An Act to create the Blackwell Independent School District in Nolan County, Texas, including therein the present Blackwell Common School

District No. 23, Nolan County; providing a board of trustees therefor; vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by general law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 150, A bill to be entitled "An Act creating and incorporating the New Home Independent School District in Lynn County, Texas, out of territory now comprising the New Home Common School District No. 12, in Lynn County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 51, A bill to be entitled "An Act creating and incorporating the Wells Independent School District in Lynn County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 28, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 108, A bill to be entitled "An Act validating Consolidated Common School District No. 11 of Palo Pinto County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 108, a bill to be entitled "An Act validating Consolidated Common School District No. 11 of Palo Pinto County, Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 168, A bill to be entitled "An Act to repeal Chapter 134 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, being 'An Act to create a more efficient road law for Walker County, Texas, etc.,' as amended by Chapter 6 of the Special Laws of the First Called Session of the Thirty-fourth Legislature of the State of Texas, and as further amended by Chapter 32 of the Special Laws of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, to place Walker County under the operation of the general road laws of the State of Texas, and providing that nothing in this Act shall affect in any wise road bonds heretofore issued by said Walker County or any subdivision thereof, or impair any existing contract executed or entered into by the commissioners' court of said Walker County pursuant to the special road law hereby repealed, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 102, A bill to be entitled "An Act regulating the manufacture and sale of ice; prohibiting the use of any impure water or any injurious chemicals or other injurious or impure ingredients in the manufacture of ice, and prohibiting discrimination in the sale of the same; providing for inspection by the State Health Department; requiring a license for its manufacture and sale; providing a penalty; and creating an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BERKELEY, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 103, A bill to be entitled "An Act to prevent fraud in the selling, and repairing of mattresses, sleeping pads, quilts and comforts."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BERKELEY, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1915.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 134, A bill to be entitled "An Act repealing Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of



the Thirty-fifth Legislature, as amended by Chapter 44 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature as amended by Chapter 10 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and an Act to embody in one Act the substance of the provisions of said repealed statutes, with substantially following eliminations and changes, viz., et al.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the attached committee substitute bill do pass in lieu thereof.

PARR, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 201, A bill to be entitled "An Act to repeal Articles 7314, 7314b, 7314d, 7314d1, 7314e, 7314f, 7314ff, 7314fff, 7314g, 7314h, 7314i, 7314n and 7314r of the Revised Civil Statutes of the State of Texas, and Article 2184k of the Penal Code of the State of Texas, and to provide for systematic tick eradication at the State's expense, commencing in those counties adjoining, and south and west of the Colorado, and after such counties have been officially released from quarantine, the work to then be commenced in the next adjoining tier of counties, and the work to continue until all of the counties between the Colorado River and the Rio Grande, have been officially released from quarantine, and then the work to commence in those counties adjoining and north and east of the Colorado River, and after such tier of counties have been officially released from quarantine, work to continue in the tier of counties north and east of the first aforesaid tier of counties, and progress in this manner until all of the counties north and east of the Colorado River have been released from quarantine, and to give authority to the Governor

of Texas to quarantine all counties in Texas, or any portion of any county where fever ticks are known to exist, and to provide for the movement of cattle from quarantine area to other quarantine area, or to clean area, or to market for immediate slaughter, and to provide for local option elections for tick eradication work at county expense, in any county in Texas where the work is not being carried on by the State, and to provide for the duties and powers of the Livestock Sanitary Commission, and to prohibit the transportation of livestock in certain contingencies, and to give authority to the commission to make rules and regulations, and to employ a State and assistant veterinarians, and to control the sale of veterinary biological products, and to provide for the eradication, elimination and the control of contagious, malignant, infectious or communicable diseases, and to establish special quarantine districts, and the movement of cattle thereto or therefrom, and to provide a penalty against the owners of livestock who fail or refuse to dip such livestock as provided for in the Revised Statutes of the State of Texas, Articles 7314k1 and 7314k2, and to provide a penalty against the owners of livestock whose premises have not been released from quarantine, and whose livestock are infected with fever ticks, from being driven, drifted, or getting into premises which have theretofore been released from quarantine, and to provide an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass

PARR, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 201.

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

LEWIS.

HARDIN of Erath.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir, We, a majority of your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, A joint resolution "Proposing to amend Section 50, Article 3, of the Constitution of the State of Texas so that it shall hereafter provide that the Legislature shall have power and authority to create and maintain a State plan of insurance to underwrite industrial accident insurance in Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I, a minority of your Committee on Constitutional Amendments to whom was referred

S. J. R. No. 1, A joint resolution "Proposing to amend Section 50, Article 3, of the Constitution of the State of Texas so that it shall hereafter provide that the Legislature shall have power and authority to create and maintain a State plan of insurance to underwrite industrial accident insurance in Texas."

Have had the same under consideration and wish to report the same back to the Senate with the recommendation that it do not pass.

HARDIN of Kaufman.

Committee Room,

Austin, Texas, Jan. 31, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 104, A bill to be entitled "An Act amending Article 650b of the Revised Statutes of Texas of 1895, as enacted by the Thirtieth Legislature, Acts 1807, page 294, being subdivision 73, Article 1121, of Title 25 of Revised Statutes of Texas of 1911, as amended by the Thirty-third Legislature, Acts 1913, page 352, so as to provide that private corporations may be created for, or after being created, may so amend their charters as to include two or more of the following purposes, namely: The supply of water to the

public for irrigation, power, municipal or domestic purposes; the manufacture of and supply of ice to the public; the generation of and supply of gas, electric light and motor power to the public; the manufacture, supply and sale of carbonated water to the public; the operation of cottonseed oil mills and the operation of cotton compresses, and removing the restrictions as to the amount of capital stock of such corporations, imposed thereby; provided, that corporations including more than one of the purposes named in this Article shall pay the franchise tax provided by law for each of the purposes so included in their said charters, or amendments thereto."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 132, A bill to be entitled "An Act fixing the compensation of the official shorthand reporters in the Thirtieth, Seventy-eighth and Thirty-ninth Judicial District of Wichita, Archer and Young Counties, Texas, prescribing the method of payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 133, A bill to be entitled "An Act to amend Section 1 of Chapter 16, being an Act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Chapter 58, being an Act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Section 1, Chapter 139, of the General Laws passed by the Thirty-seventh Legislature,

1921, at its Regular Session, relating to the creation of a juvenile board within certain counties of this State and prescribing the duties and powers of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers and allowing the district judges an additional salary to be paid out of the general fund of such county, so as to make such Act to apply to counties containing a city of 40,000 inhabitants or over, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 160, A bill to be entitled "An Act to give the Supreme Court of Texas the power to make and establish all rules of civil procedure for the government of said court and the other courts of this State so as to expedite the dispatch of business therein, and to call to its assistance such judges and lawyers of the State as the Supreme Court may select to aid in formulating such rules, and to repeal such statutes of procedure as may be in force when such rules go into effect."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairmna.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 123, A bill to be entitled "An Act to create a lien in favor of any person, firm or corporation who may furnish any material, apparatus, fixtures, machinery or labor to contractors who contract for public improvements, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred "S. B. No. 130, A bill to be entitled "An Act to amend Article 4186, Revised Civil Statutes of the State of Texas of 1911, relating to filing of accounts by guardians and furnishing certified copies thereof in certain cases; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 177, A bill to be entitled "An Act to amend Article 1984a, Title 37, Chapter 14, of the Acts of the Regular Session of the Legislature of 1913, so as to provide that causes may be submitted on special issues upon request of both parties in writing, and providing further that a court upon the written request of either party shall define in its charge to the jury the legal effect of the findings of the jury on any special issue submitted to it, and providing further that counsel shall have the right to discuss the legal effect of such findings to the jury, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred S. B. No. 165,

Beg leave to differ with a majority of the Committee, and to re-

port the same back to the Senate with the recommendation that it do pass.

JOHN DAVIS.  
BOWERS.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 165, A bill to be entitled "An Act to repeal Chapter 35, page 68 of the General Laws of the State of Texas, Thirty-eighth Legislature, Regular Session, in reference to accepting the provisions of the Shepard-Towner Act, and declaring an emergency, said emergency being that the law as it now exists calls for appropriations to be made in the sum of \$72,901.04 out of the State Treasury of the State of Texas, and it is necessary to reduce appropriations in order to bring our expenditures within our revenues."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 187, A bill to be entitled "An Act to amend Article 6758, Title 116 of the Revised Civil Statutes of the State of Texas as amended by Chapter 144, printed Acts of the Regular Session of the Thirty-sixth Legislature; providing that the Ranger Force shall be under the command of and operated under the direction of the Governor acting by and through the Adjutant General and defining the purposes for which Rangers may be used and making the acts done by Rangers, except in this Act provided illegal and void, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 175, A bill to be entitled "An Act to permit the issuance to and use by Senators and members of the House of Representatives and their families, of free railroad transportation and sleeping car accommodations."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment, and be not printed.

Amend S. B. No. 175, Section 1, by adding after the word "Texas", in line 3 of said section, the following, "and the Lieutenant Governor of the State of Texas," and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 35, A bill to be entitled "An Act to amend Article 6901a of Chapter 1, Title 1119 of the Revised Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legislature, being an Act to change the designated year upon which is based the assessed valuations of taxable properties affected by the Act to be amended, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 190, A bill to be entitled "An Act to amend Section 6, of Chapter 74, General Laws of the Second Called Session of the Thirty-sixth Legislature and creating the sand, gravel and shell fund, providing for refund of taxes paid on marl, gravel, shell or mudshell by any county, city or town or the State Highway Commission, and providing for the enforcement of the provisions of the sand, shell and gravel law, and for the establishment and maintenance of fish hatcheries and repealing of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 196, A bill to be entitled "An Act to authorize railroad companies to construct and operate spur or industrial tracks and to condemn property for right of way therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Majority Report.)

Committee, Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 2, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and the Weights and Measures Department, conferring all authority, powers, duties, functions, rights, and liabilities of the Commissioner of Markets and Warehouses and of said Markets and Warehouse Department and Weights and Measures Department

upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commissioner of Agriculture, and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Banking and Insurance Commissioner, relative to warehouses, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature, conferring powers and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws, First Called Session of the Thirty-fifth Legislature, and Chapters 116 and 126 of the General Laws, Regular Session of the Thirty-sixth Legislature, and such powers and duties as are conferred upon the Commissioner of Markets and Warehouses by Chapter 22, Acts of the Regular Session of the Thirty-seventh Legislature, and Chapter 38, Acts of the Second Called Session of the Thirty-eighth Legislature, or so much of said Statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture, authorizing said Commissioner to rearrange salaries and eliminate duplicating offices and positions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend H. B. No. 2, page 3, Section 7, by striking out the words "its passage" in the last line and insert in lieu thereof the words, "September 1, 1925."

WIRTZ, Chairman.

(Minority Report.)

Committee, Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I, a minority of your Com-

mittee on State Affairs, to whom was referred

H. B. No. 2.

Beg leave to differ from the majority of said Committee and recommend to the Senate that the same do not pass.

WOOD.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 6 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 16 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 51 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 56 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 69 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 79 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 117 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 132 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 186 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 34 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 48 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 47 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 49 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 50 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 107 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

#### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas.

Tuesday, February 3, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names

Hailey.	Bledsoe.
Berkaley.	Bowers.

Davis.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.
Pollard.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

See appendix for committee reports.

#### Bills and Resolutions.

By Senator Wood:

S. B. No. 216, A bill to be entitled "An Act to amend Chapter 28, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Oak Alla Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Fairchild:

S. B. No. 217, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas, and those of other states and foreign countries, imposing on such foreign insurance companies and their agents such requirements, conditions, and the payments of such sums of money, whether as taxes, license, fees, fines, penalties, or deposits of securities, as may be required by the home state of such foreign insurance company or companies of companies organized in this State or the agents thereof, in excess of those composed by this State, and empowering the Commissioner of Insurance to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or cancelled in such foreign state or territory, and declaring an emergency."